

## **REMARKS**

### **Claims**

Claims 1, 2 and 5-66 were pending in this matter on the date of the Office Action, and all have been finally rejected in the Office Action, so this Request for Continued Examination is filed. Independent claims 1 and 66 are each amended in identical manner above.

### **Claim objections**

There are no objections to the claims, so it is believed that the Examiner's prior objections have been overcome in the prior Office Action Response.

### **35 USC §112 Rejections**

The Examiner's prior rejections under 35 USC 112, second paragraph, are not repeated, so they are believed to have been overcome in the prior Office Action Response.

### **35 USC §102 Rejections**

von Oepen (US 6,193,747)

Claims 1, 2, 5-7, 11-30, 47, 48, and 66 remain rejected as being anticipated by U.S. Patent 6,193,747 to von Oepen ("von Oepen '747") for the reasons set forth in the prior Office Action. The applicant traverses the rejection.

### **Claims 1 and 66**

Claims 1 and 66 are the independent claims in the case and, if each is not anticipated by von Oepen '747, then the remaining rejected claims 2 and 5-65 are also allowable as properly dependent claims.

The applicant repeats the areas where it agreed with the Examiner's analysis in the prior Office Action response.

The third limitation, as now amended, is that "a number of bar element portions which adjoin at a turning point meet in an angle having a V-shape in the compressed first condition of the stent." Figure 5 of von Oepen '747, as understood, has the bar element portions shown in the compressed first condition of the stent. However, the applicants disagree with the Examiner that any of these bar element portions "which adjoin at a turning point meet in an angle having a V-shape." Von Oepen '747 shows S-shaped curves, which do not contain V-shape angles. Further, the V-shape that the Examiner has shown in the diagram provided is a "connecting bar." In the first limitation discussed above, the connecting bars are distinguished from the "bar elements." Because it is only the angle of a V which is now claimed, the Examiner's statements about the

presence of serif bars on a “V” become entirely moot. However, the Examiner is invited to point out any cases where the term “V-shape” has ever been construed to require serif bars, which depend entirely upon the particular font used. For example, an Arial font lacks serifs.

Finally, the independent claims now require that “the bar element portions are curved uniformly over an entire length thereof.” Since von Oepen ‘747 explicitly admits the S-shape, it is almost axiomatic that this limitation cannot be met, since an S-shape is the paragon of non-uniform curvature, and the Examiner had admitted that the direction of the curvature changes in an S-shape.

For these reasons, claims 1 and 66 do not read onto von Oepen ‘747, so neither is anticipated thereby. Dependent claims 2 and 5-65 are also allowable.

#### Globerman (US 5,776,161)

Claims 1-7, 11-30, 47, 48, and 66 stand rejected as being anticipated by U.S. Patent 5,776,161 to Globerman (“Globerman ‘161”). The applicant traverses the rejection for at least the following reasons.

Claims 1 and 66 are the independent claim and, if it is not anticipated by Globerman ‘161, then claims 2 and 5-65 are also allowable as properly dependent claims.

Applicant repeats its arguments about Claims 1 and 66 as amended against Globerman ‘161 without need for further comment, based upon the Examiner’s statement (regarding von Oepen ‘747) that “these positions apply equally well for the Globerman reference.”

#### 35 USC §103 Rejections

The Examiner has rejected claims 31-46 and 49-65 as being unpatentable over von Oepen ‘747 in view of US Patent 6,261,319 to Kveen et al. (“Kveen ‘319”). The applicant traverses this rejection for at least the following reasons.

Primary to this argument is that, as argued above regarding claim 1, claim 1 does not read onto von Oepen ‘747, which lacks several elements required by claim 1, as now amended.

Admittedly, Kveen ‘319 teaches a stent device where the connecting bars extend between two mutually-facing turning points of two adjoining annular support portions, the turning points being displaced by between one and two periods of the meandering pattern. However, this teaching does not make a proper 103 rejection unless all elements of the claim are met. It

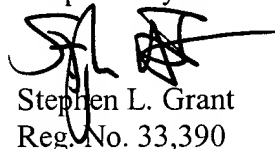
remains that von Oepen '747 does not anticipate claim 1, and Kveen '319 does not supply those missing elements.

Further Note

Applicant also believes that a few comments regarding paragraph [0024] and Figs. 1 and 2. As indicated in those places, all bar element portions of an annular support portion extend curvedly in the same first direction indicated by the double-headed arrow 7 in the figures. In contrast to this, von Oepen '747 and Globerman '161 only disclose annular support portions wherein successive bar element portions (and not all of them) alternately change their curvature in circumferential direction of the stent or wherein a single element portion changes its curvature over its length.

Accordingly, the applicant respectfully requests reconsideration of the rejections based on the claim amendments made above. After such reconsideration, it is urged that allowance of all claims will be in order.

Respectfully submitted,



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